

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, November 18, 2015 – 1:15 p.m. – Room 450 Capitol Building

Members Present:

Sen. Todd Weiler, Senate Chair
Rep. Don L. Ipson, House Chair
Sen. Daniel W. Thatcher
Rep. Brad M. Daw
Rep. Sandra Hollins
Rep. Kay L. McIff
Rep. Curtis Oda
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Marc K. Roberts
Rep. Angela Romero
Rep. Earl D. Tanner

Rep. Raymond P. Ward

Rep. R. Curt Webb

Members Absent:

Sen. Luz Escamilla
Pres. Wayne L. Niederhauser

Staff Present:

Mr. Nathan W. Brady, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Lori Rammell, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ipson called the meeting to order at 1:35 p.m.

MOTION: Sen. Weiler moved to approve the minutes of the October 21, 2015, meeting. The motion passed unanimously. Rep. McIff, Rep. Oda, Rep. Roberts, and Rep. Romero were absent for the vote.

The Utah Bureau of Criminal Identification distributed "Firearm Permits (CFP) Fact Sheet" for the committee's review, but this item was not discussed.

2. Offender Registry Amendments

Rep. Jack R. Draxler distributed draft legislation "Offender Registry Amendments," which would provide that persons convicted of specified sexual offenses, including class A misdemeanor violations of enticing a minor and voyeurism, may petition the court to be removed from the sex offender registry if specific conditions are met. Rep. Draxler also distributed "Utah Sex Offender Registry Early Removals," which showed the number of applications submitted for removal of names from the registry, the number of certificates issued as a result, and the number of certificates denied. He responded to questions regarding registering juvenile sex offenders.

Mr. Jim Ingle, Adult Probation and Parole, discussed the process offenders must go through before application for removal from the registry, including completing treatment, paying court-ordered fines, restitution, and maintaining a clean criminal record. Mr. Ingle responded to questions from the committee regarding public and private registries as they concern juveniles, and the length of time a juvenile's name remains on the registry.

Ms. Angie Fenimore, resident, South Jordan, spoke in favor of the draft legislation. She said the registry does not do its job, but instead places labels for life on those who have made a single mistake. She said the original intent of the registry was to cast a net, but treatment for offenders is more effective.

Ms. Pamela Vickrey, Executive Director, Utah Juvenile Defense, clarified that current law states that in Utah juveniles who have been in a secure facility and are within six months of their twenty-first birthday are the only ones who must register. She pointed out what she saw as the problems created by the proposed draft legislation, including its effect on youth arrested for sex offenses—a group that she said will reoffend only 10% of the time. She stated that the negative impact of registering juvenile offenders is substantial. She said the proposed legislation's wording as it concerns juveniles may present a violation of due process. She said she believes Utah is currently on the right track with juvenile sex offenders, and the changes in current policy as suggested in this draft legislation would take that policy in the wrong direction.

Rep. Tanner distributed and explained a 2015 R Street Policy Study entitled "The Costs and Benefits of Subjecting Juveniles to Sex-Offender Registration and Notification."

Ms. Jennifer Valencia, Director, Utah Sentencing Commission, reported on the progress of the working group currently discussing the issue of sex offenses, but she said she didn't believe the Commission on Criminal and Juvenile Justice had taken a formal position regarding the proposed draft legislation.

MOTION: Rep. Webb moved that lines 10-12 and lines 215-221, and all other necessary related changes, of the draft legislation be struck. The motion passed with Rep. McIlff voting in opposition.

SUBSTITUTE MOTION: Rep. Ray moved that the committee direct the sponsor of the draft legislation to continue to work on the bill for further discussion during the general session. Rep. Ray withdrew the motion.

Committee discussion concerned the importance of addressing the issue of registration of juvenile sex offenders, if not at this time, then in the future.

MOTION: Rep. Webb moved that draft legislation "Offender Registry Amendments" be approved as a committee bill, as amended. The motion passed unanimously.

3. Law Enforcement Training

Rep. Ray introduced the issue of training for law enforcement officers in the areas of social and emotional skill development.

Mr. Mike Gillespie, Partners in Law Enforcement, presented "Blue EQ: The Emotional Intelligence Self-Assessment," distributed a fact sheet, and explained the training his business provides for law enforcement officers. He discussed the importance of training law enforcement officers in the area of emotional intelligence in addition to the traditional tactical and technical training they receive. He stated that assessments, then appropriate training, are effective in improving law enforcement officer interactions with the public.

4. Implementation of the Justice Reinvestment Initiative

Ms. Doreen Weyland, Contract/Grant Analyst, Commission on Criminal and Juvenile Justice, reported on the work of the Implementation of H.B. 348 Task Force and the membership of that task force. She discussed the commission's prioritization for grant money it has received and the screenings of offenders that will take place at the state's jails.

Mr. Brent Kelsey, Assistant Director, Division of Substance Abuse and Mental Health, Department of Human Services, presented "Justice Re-investment Initiative" and explained the division's responsibilities

as they pertain to implementation of the Justice Reinvestment Initiative (JRI). He gave examples of JRI teams, which include attorneys, law enforcement officers, and other involved parties. He outlined treatment standards for facilities and staff providing treatment for substance abuse and mental health. Mr. Kelsey also reported on the uses of the \$5,400,000 appropriation provided for the division to implement the initiative, including the recent opening of a 16-bed facility for women.

Mr. Rollin Cook, Executive Director, Utah Department of Corrections, introduced Mr. Steve Gerhke, Director of Quality and Process Improvement, Utah Department of Corrections. Mr. Gerhke presented "JRI Implementation Update" and outlined some of the significant changes being implemented within Adult Probation and Parole. These changes, he said, include use of assessment tools to better address individuals' needs, institutional programming from the time offenders enter the correctional system, and technology improvements to track time remaining of offenders' sentences. Mr. Gerhke and Mr. Cook responded to questions from the committee regarding the implementation of these changes in county facilities.

Mr. Richard Schwermer, Assistant State Court Administrator, Utah Administrative Office of the Courts, discussed the transitions taking place in the judiciary, as the judges are a central element to the success of JRI. He said the office has focused on the training of judges so they understand and follow the new statutes, rules, and processes. He expressed concern that as punishments are reduced, sufficient treatment resources must be available, or an increase in crime will result. The other concerning trend he mentioned was the decrease in referrals to drug courts, as some individuals in need of services can no longer be compelled to obtain those services under JRI provisions.

Sheriff Jim Tracy, Utah Sheriffs Association, discussed proposed screening tools and the projections anticipated once those screenings are implemented. He discussed the necessity of a pretrial service to ensure that offenders participate in court-ordered treatment programs.

Ms. Valencia distributed "2015 Adult Sentencing and Release Guidelines" and "Summary Statement from Guideline Revision Process" and presented "2015 Utah Adult Sentencing Guidelines: Incorporating the Directives and Principles of the Justice Reinvestment Initiative." She explained the commission's guideline revision process as a result of the JRI and the surveys and feedback that were incorporated in the new sentencing guidelines. She reported that, while training sessions are being conducted to implement the new guidelines, a major shift in thinking will still be necessary, for instance on the part of judges and prosecutors. She also discussed the increased role of Adult Probation and Parole as a result of the JRI and the new guidelines.

Mr. Greg Johnson, Administrative Coordinator, Board of Pardons and Parole, reported on the effect of the JRI on the Board of Pardons and Parole, including the calculation of credit for time served. He reported less frustration from inmates because the calculations for time served now make more sense. He discussed specifically the earned time program, which formalizes the effect of completion of a case action plan on an inmate's release date. He discussed the importance to parolees of tangible feedback.

5. Adjourn

MOTION: Rep. Daw moved to adjourn the meeting. The motion passed unanimously with Sen. Thatcher, Rep. McIff, Rep. Ray, and Rep. Romero absent for the vote.

Chair Ipson adjourned the meeting at 4:16 p.m.